## REMARKS

Applicants representatives thank Examiner Traore for the courtesy extended during several telephone calls discussing the Advisory Action and Applicants' proposals.

Claims 1 and 20 have been amended. New claims 27 and 28 have been added. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claims 1, 20, 23, and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/101451 to Bae.

Prior to this amendment, claim 1 recited a method for authenticating a recording medium, comprising the steps of: "acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule; acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule; and authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition steps."

Prior to this amendment, claim 20 recited a computer readable recording medium storing a computer program for causing a computer to perform an instruction for authenticating a recording medium, the instruction comprising the steps of: "acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule; acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule; and authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition steps."

Applicants incorporate the arguments made in the June 13, 2008 Response, which support the patentability of claims 1, 20, 23, and 24. These arguments are reproduced below for the Examiner's convenience:

Claims 1 and 20 recite steps of acquiring, from a recording medium, first and second sets of a first type of unique data each recorded in accordance with the same predetermined rule; and a step of authenticating the recording medium based on a comparison of the first and second sets of the first type of unique data. The Office Action cites Bae's Figure 2 as disclosing these recited features. Office Action, March 13, 2008, page 3. Bae's Figure 2 is a flowchart referencing a comparison of "authentication information" and "intentional error information." There is no indication within Bae that the authentication information and intentional error information are the same type of unique data, as recited by claims 1 and 20. Further, there is no indication within Bae that the authentication information and intentional error information are recorded in accordance with the same predetermined rule, as recited by claims 1 and 20. In fact, as the intentional error information is generated by methods such as scratching, eroding, coating, perforating and applying stickers (see Bae, para. 19), the intentional error information is clearly not imparted in accordance with any predetermined rule, e.g., in accordance with a CD-R standard. Even more apparent, the intentional error information is not written in accordance with the same predetermined rule as the authentication information. Therefore, the intentional error information and authentication information cannot teach the recited first and second sets of the first type of unique data, which are recorded in accordance with the same predetermined rule.

In addition, in contrast to the comparison of the first and second sets of the first type of unique data, as recited by claims 1 and 20, Bae does not compare the authentication information and intentional error information. Rather, Bae arbitrarily imparts the intentional error information, e.g., a scratch, to portions of the optical recording medium, determines which portions are consequently unreadable (e.g., see addresses 0004-0007 of Table 1), and then specifies the unreadable portions as authentication information on the optical recording medium. Before the optical recording medium is reproduced or recorded by an optical recording device, a comparison of the addresses of the unreadable portions (as determined by the device) and the addresses specified as authentication information is made to authenticate the optical recording medium. According to Bae, it would be "impossible" for a pirate copy to place intentional error information, e.g., to a place a scratch (which is not transferred via recording from the original to the pirate copy) at the exact positions specified by the authentication information (which is transferred via recording from the original to the pirate copy). In other words, the pirate copies cannot match the actual position of the

> intentional error information to the positions specified by the transferred authentication information. See Bae, para. 26.
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> Therefore, as can be seen, Bae is not teaching a comparison of the intentional error information and authentication information. Rather, Bae is teaching a comparison of the actual position of the intentional error information (e.g., at locations 0004-0007) to the written indication of those positions (e.g., bytes representing positions "0004" to "0007") by the authentication information. Thus, even assuming *arguendo* that the intentional error information and authentication information of Bae could meet the limitations of the first and second sets of a first type of unique data, as recited by claims 1 and 20 (not admitted), Bae still would not teach a comparison of the intentional error information and authentication information, as further required by claims 1 and 20.
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> Finally, it should be noted that Bae is relying on the read-out performance of the optical recording device to make the authentication determination because, more particularly, Bae is relying on the capability of the device to accurately and consistently determine the position of the intentional error information. In Bae, because the intentional error information is imparted to the medium by way of scratching, eroding, and the like, there is little assurance that a an optical recording device would be able to determine the position of the intentional error information with consistent results. For example, as CDR devices are not designed to read scratches (which do not have lead-in information), there is little assurance that a CDR device could consistently determine where the intentional error information begins in the recording medium. On the other hand, the claimed invention achieves consistency and reliability by reproducing and comparing sets of the same type of data recorded in accordance with the same predetermined rule.
> June 13, 2008 Response at 2-5.

In response to these arguments, the Advisory Action stated that "the claims do not specify that the nature of the predetermined rule nor the first set of a first type of unique data and the second set of first type of unique data are recorded with the same predetermined rule." Applicants respectfully traverse this argument. As mentioned during the calls with the Examiner, the rules governing the antecedent basis of claim language dictate that the first and second sets of the first type of unique data are recorded in accordance with the same predetermined rule because they are respectively recorded in accordance with "a" predetermined rule and "the" predetermined rule. That is, claim 1 prior to this amendment recited "acquiring, from the recording medium, a first set of a

first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule" and "acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule" (emphasis added)."

Although no commitment on whether the claims are allowable was received, it is believed that an agreement was reached on this point. However, in the interest of furthering prosecution, Applicants have amended claims 1 and 20 to recite that "said first and second sets of the first type of unique data include information specifying a recording method." Applicants respectfully submit that Bae and the other cited references fail to disclose, teach or suggest this limitation. Although no commitment on whether the claims as amended are allowable was received, it is believed that an agreement was reached on this point as well.

Accordingly, the rejection should be withdrawn and the claims allowed.

Claims 2-5 and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bae in view of U.S. Patent No. 6,073,189 to Bounsall. This rejection is respectfully traversed.

Claim 2-5, 9, and 10 depend from claim 1. As Bounsall does not cure (nor is cited as addressing) the above-noted deficiency of Bae, Applicants respectfully submit that claims 2-5, 9, and 10 distinguish over Bae and Bounsall in view of their dependence upon claim 1.

Applicants also incorporate the further arguments made in the June 13, 2008 Response, which support the patentability of claims 2-5 and 9-10. Accordingly, the rejection should be withdrawn and the claims allowed.

Claims 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bae in view of U.S. Patent No. 6,917,574 to Kawashima. Claims 6-8 depend from claim 1. As Kawashima does not address (nor is cited as addressing) the above deficiencies of Bae, Applicants respectfully request that this rejection be withdrawn.

Claims 12-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bae in view of Bounsall and Kawashima. Claims 12-17 depend from claim 1. As neither Bounsall nor Kawashima address the above deficiencies of Bae, Applicants respectfully request that this rejection be withdrawn.

Claims 21, 22, 25, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bae in view of U.S. Patent No. 5,745,459 to Inokuchi. This rejection is respectfully traversed.

Claim 21 is directed to a computer readable recording medium, comprising "a read-only memory area and a read and write memory area, and storing, on the read and write area, a computer program for causing a computer to perform an instruction for authenticating a recording medium, the instruction comprising the steps of: acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule; acquiring, from the recording medium, a second set of the first type of unique data that is recorded on an information track on the recording medium in accordance with the predetermined rule; and authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition steps." Claim 25 depends from claim 21.

Claim 22 is directed to an optical disk drive system, comprising: "a memory storing a program; and a processor configured to execute the program stored in the memory, wherein the program includes an instruction for authenticating a recording medium, the instruction comprising the steps of: acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule; acquiring, from the recording medium, a second set of the first type of unique data that is recorded on an information track on the recording medium in accordance with the predetermined rule; and authenticating the recording medium based on a comparison of the first and second sets of unique data acquired in the data acquisition step." Claim 26 depends from claim 22.

As can be seen, claims 21 and 22 recite similar limitations as claims 1 and 20 and are allowable over Bae for at least the reasons set forth above. Inokuchi does not address (nor is cited as addressing) these deficiencies of Bae. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bae in view of Bounsall, Kawashima, and U.S. Patent No. 7,027,717 to Tsujii. Claim 18 depends from claim 1. As neither Bounsall, Kawashima, nor Tsujii addresses the above deficiencies of Bae, Applicants respectfully request that this rejection be withdrawn.

New claims 27 and 28 depend from claims 21 and 22 respectively and are allowable along with claims 28 and 28 (respectively) for at least the reasons set forth above.

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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